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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 89—L. C., dated 3rd January 1912.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to Regulate the Emigration of Minors and other persons beyond the limits of Mysore for labour, is published for general information together with a Statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

The Mysore Emigration Bill.

Preamble. Whereas it is expedient to regulate the emigration of minors and other persons beyond the limits of Mysore for labour; His Highness the Maharaja is pleased to enact as follows:—

Title and Extent. 1. This Regulation may be called "The Mysore Emigration Regulation." It extends to the whole of Mysore.

2. Definitions—

"Emigrate and Emigration." (*a*) "Emigrate and Emigration" denote the departure out of Mysore of a native of Mysore under an agreement to labour for hire in some country beyond the limits of Mysore.

"Emigrant." (*b*) "Emigrant" means any native of Mysore who emigrates or has emigrated, and includes any dependent of an emigrant.

"Dependent." (*c*) "Dependent" means any of the following persons accompanying an emigrant, namely,—

any woman who has not entered into an agreement to emigrate; any child in whose name and on whose behalf any such agreement has not been entered into; and any aged or incapacitated relative or friend;

"Labour." (*d*) "Labour" means unskilled labour and does not include domestic personal service;

"Recruiter." (*e*) "Recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons.

Countries to which emigration is permitted. 3. Emigration to places outside India and Ceylon shall be lawful only to countries to which the Governor-General of India in Council has permitted emigration or to which he has not prohibited emigration from British India under any law in force in British India.

Recruitment under a license. 4. (1) In cases in which a license shall be required for recruiting in British India under any law for the time being in force there, no person shall, without such a license granted by a Protector of Emigrants under Section 16 of the Indian Emigration Act (XVII of 1908),—

(*a*) enter into or attempt to enter into any agreement with any person, purporting to bind him to emigrate, or

(*b*) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(*c*) act or be employed as a recruiter of emigrants.

(2) Every recruiter having such a license shall produce it when called upon to do so by any Magistrate or officer in charge of a Police Station.

Power of District Magistrates to terminate the license. 5. Any District Magistrate may, after recording reasons therefor, endorse upon such a license that it should not be valid within the limits of his jurisdiction, and thereafter it shall be unlawful for any person to recruit coolies on the strength of such license.

Recruiter to supply copy of the terms of agreement he is authorised to offer. 6. A recruiter shall give a true copy in the Kannada language of the terms of the agreement that he is authorised to offer to intending emigrants under the provisions of Section 22 (1) of the Indian Emigration Act (XVII of 1908) to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a Police Station when called upon to do so by the Magistrate or officer.

Accommodation to be provided by recruiters. 7. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrant or emigrants as may be collected by him pending their removal out of Mysore.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate or such other Magistrate or Police officer as may be authorised under rules framed by Government shall have, for the supervision and regulation of the places in which accommodation is provided under this section, the same powers as are conferred on a Protector of Emigrants in British India in respect of depots at the port of embarkation under the provisions of the Indian Emigration Act (XVII of 1908).

(4) All recruiters or other persons in charge of these places shall afford every Magistrate or other officer authorised under this section every facility for visiting and inspecting them.

Power of Government to prohibit emigration. 8. Government may, whenever it deems necessary, prohibit altogether emigration to any place outside Mysore, and may withdraw such prohibition.

Minor emigrants. 9. No person below the age of eighteen shall be taken out of Mysore except under a written agreement duly attested in accordance with rules to be framed by Government, entered into with his legal guardian, or where there is no such guardian, under the written permission of the Magistrate of the District from which the minor person intends to emigrate.

Female emigrants.

10. No female who is married shall be taken out of Mysore without the consent of her husband (when he does not go with her) taken in writing and attested under rules framed by Government on this behalf, or without the written permission of a District Magistrate.

Unlawful recruitment.

11. Whoever, except in conformity with the provisions of this Regulation or of any rules framed thereunder,

(*a*) makes or attempts to make any agreement with any native of Mysore purporting to bind him to emigrate,

(*b*) in consideration of any hire or reward, induces or attempts to induce any native of Mysore to leave any place for the purpose of emigrating, or is employed as a recruiter of emigrants,

(*c*) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Regulation or rules made under this Regulation, any person with a view to his being registered or despatched as an emigrant,

shall be punishable with a fine which may extend to Rs. 500.

(2) If a person other than a person authorised under Section 4 of this Regulation commits an offence under this section, any Police officer may arrest him without a warrant.

Punishment for failing to give an emigrant a copy of agreement referred to in Section 6 or produce the same before a Magistrate or Police officer.

12. A recruiter, who in contravention of Section 6 fails to give a copy of the statement therein referred to, to any person whom he invites to emigrate, or to produce the statement for the information of a Magistrate or Police officer, shall be punishable with fine which may extend to one hundred rupees.

Fraudulently inducing emigration.

13. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any native of Mysore to emigrate, or to enter into an agreement to emigrate or leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Prohibition of certain persons from acting as recruiters.

14. The Government may prohibit any person who has been once convicted of an offence under this Regulation or the rules framed thereunder or for any offence connected with recruitment of labourers under any other law in force, from acting thereafter as a recruiter of emigrants or doing anything to aid or induce any person to emigrate.

Power for Government to make rules.

15. The Government of His Highness the Maharaja may, by notification in the official Gazette, make rules consistent with this Regulation,—

(*a*) to provide for the supervision and regulation of places of accommodation provided for emigrants;

(*b*) to prescribe forms of registers to be kept and returns and information to be supplied by recruiters under this Regulation;

(*c*) to provide for the registration and the attestation of agreements entered into with or on behalf of persons intending to emigrate;

(*d*) to regulate the discretion of the District Magistrate to give or withhold permission under sections 9 and 10 of the Regulation; and

(*e*) generally to provide for the security, well-being and protection of emigrants.

Punishment for breach of rules.

16. The Government of Mysore may, for any breach of such rules not falling within the provisions of this Regulation or any other law in force, provide for a punishment not exceeding a fine of one hundred rupees.

STATEMENT OF OBJECTS AND REASONS.

The Indian Emigration Act does not apply to emigration to Ceylon and the Straits Settlements, which is left free. Emigration has of late been carried on to an appreciable extent from this State to Ceylon under the auspices of an agency styled the Ceylon Labour Commission. There is little or no traffic of this kind with any other country except, perhaps the plantations in the districts of Nilgiris and Malabar in British India and the State of Travancore. The interests of the emigrant coolies are well looked after by proper laws and proper administration both in India and Ceylon, and it is not considered necessary to introduce any elaborate restrictions and regulations in this respect.

Complaints have occasionally been received that recruiters of a low class have induced minors to emigrate from Mysore without the consent of their legal guardians, and that others have been deceived by false representations. Provisions have been inserted in the draft regulation to guard against such malpractices.

There is practically no emigration at present to any country beyond India and Ceylon. Such emigration from the State must necessarily take place through some port or other place in British India, at which it will be subject to the provisions of the Indian Emigration Laws. The British Indian Act protects not only British Indian subjects but also all natives of India, in which term the natives of this State would be included. It is therefore unnecessary to reproduce in our Regulation all the elaborate rules and precautions adopted in the Indian Act. As some of the provisions (such as about licenses, etc., for local recruitment) cannot be brought into operation here unless reproduced in the Regulation, they are inserted with the required modifications in clauses 3, 4, 5 and 6. These provisions, as already indicated, will not apply to recruitment of coolies for labour in British India or Ceylon. They are meant to be used as auxiliary to the administration of the British Act in respect of emigration to other places, and will be brought into actual operation only if hereafter it should be found that emigration to such places takes place on an appreciable scale.

Clause 8 gives power to Government analogous to what has been introduced in British India under the amending Act XIV of 1910.

Clauses 9 and 10, which are meant to safeguard the interests of minors and their guardians and of married women, are applicable to all emigration out of the State. In cases in which there are no guardians, or in which they have abandoned their wards, and also in those in which a married woman may have been deserted by her husband, as it may sometimes be to the interest of such persons to emigrate outside for earning their livelihood, power is given to District Magistrates to permit such emigration.

Clauses 11, 12 and 13 provide penalties for certain offences under the Regulation; and clause 14 empowers Government to prohibit any one from carrying on the business of recruiting, if he has been convicted of certain offences.

Clause 15 gives the power to Government to make rules under the Regulation, and clause 16 gives power to attach a penalty to the breach of any such rules.